



The Court further clarifies it's oral findings and conclusions to find that the attorney's fees were incurred in stoping the violation of the stay, i.e. putting title back in the debtor's name.

Entered on Docket
February 17, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

CHRISTOPHER P. BURKE, ESQ.
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Las Vegas, Nevada 89101
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Attorney for Debtor(s)
for this hearing only

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:)	BK-S-07-11730-LBR
)	Chapter 13
IRENE MICHELLE SCHWARTZ-TALLARD,)	
)	
)	
)	DATE: 01-07-10
Debtors,)	TIME: 1:30 P.M.

ORDER REGARDING DEBTORS MOTION FOR CONTEMPT FOR VIOLATION
OF THE AUTOMATIC STAY AND VIOLATION OF F.R.B.P. 9011

The above entitled matter came on for hearing the above date and time on Debtor, IRENE MICHELLE SCHWARTZ-TALLARD, (hereinafter "Debtor" or "Schwartz-Tallard") Motion for Contempt for Violation of the Automatic Stay and Violation of F.R.B.P. 9011 by and through her attorney, CHRISTOPHER P. BURKE, ESQ. for this hearing only and AMERICA'S SERVICING COMPANY (hereinafter "A.S.C.") a

1 subsidiary of Wells Fargo appearing by and through GREG L. WILDE,
2 ESQ.,

3 The Bankruptcy Courts oral finding of facts and conclusions
4 of law were put on the record.

5 IT IS HEREBY ORDERED that Schwartz-Tallard is awarded
6 emotional distress and economic damages of \$40,000.00 from
7 A.S.C.;

8 IT IS HEREBY FURTHER ORDERED Schwartz-Tallard is awarded
9 \$20,000.00 in punitive damages from A.S.C.;

10 IT IS HEREBY FURTHER ORDERED that attorney fees of
11 \$20,000.00 are awarded to Christopher P. Burke, Esq. from A.S.C.;

12 IT IS HEREBY FURTHER ORDERED that within two (2) days of the
13 entry of this order the property located at 17 Caprington Rd.,
14 Henderson, Nevada 89052 is to be put back in Schwartz-Tallards
15 name.

16 IT IS SO ORDERED.

17 DATED this 10 day of February, 2010.

19 Submitted By:
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22 CHRISTOPHER P. BURKE, ESQ.
23 Nevada Bar No.: 004093
24 218 S. Maryland Pkwy.
25 Las Vegas, NV 89101
26 (702) 385-7987
27 Attorney for Debtor
28

Approved/Disapproved:

GREGORY L. WILDE, ESQ.
WILDE HANSEN, LLP.
208 S. Jones Blvd.
Las Vegas, NV 89107
(702) 258-8200
Attorney for Creditor

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1 ALTERNATIVE METHOD re: RULE 9021:

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3 In accordance with Local Rule 9021, counsel submitting this document
4 certifies as follows (check one):

5
6 ☐ The court waived the requirements of LR 9021.

7 ☒ This is a chapter 7 or 13 case, and either with the motion, or at
8 the hearing, I have delivered a copy of this proposed order to all
9 counsel who appeared at the hearing, any unrepresented parties who
10 appeared at the hearing, and each has approved or disapproved the
11 order, or failed to respond, as indicated below [list each party
12 and whether the party has approved, disapproved, or failed to
13 respond to the document]:

14 GREGORY L. WILDE, ESQ.
15 WILDE HANSEN, LLP.
16 208 S. Jones Blvd.
17 Las Vegas, NV 89107
18 (702) 258-8200
19 Attorney for Creditor
20 FAILED TO RESPOND
21

22 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy
23 of this proposed order to all counsel who appeared at the hearing,
24 any unrepresented parties who appeared at the hearing, and each
25 has approved or disapproved the order, or failed to respond, as
26 indicated below [list each party and whether the party has
27 approved, disapproved, or failed to respond to the document]:

28 ☐ I certify that I have served a copy of this order with the motion,
and no parties appeared or filed written objections.

Submitted by:

20
21
22 /S/CHRISTOPHER P. BURKE, ESQ.
23 CHRISTOPHER P. BURKE, ESQ.
24 Attorney for Debtor(s)
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27
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